

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No. 158 of 2022

Itishree Behera

.....

Petitioner

Mr. Md. Riaz, Advocate

Vs.

Bishnu Prasad Subudhi

.....

Opposite party

CORAM:

JUSTICE SAVITRI RATHO

ORDER

23.06.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. Md. Riaz, learned counsel for the petitioner-wife.

3. This application under Section 24 of Civil Procedure Code has been filed by the petitioner-wife for transfer of C.P. No. 226 of 2021 pending in the Court of learned Family Court, Khurda to the Court of learned Judge, Family Court, Bhubaneswar.

4. Md. Riaz, learned counsel for the petitioner submits that the petitioner has filed two cases in Bhubaneswar Criminal Proceeding No. 10 of 2021 which is pending in the Court of the learned Judge, Family Court, Bhubaneswar under Section 125 of Cr.P.C. and CMC No. 118 of 2022 under Section 12 of the Protection of Women from Domestic Violence Act in the Court of learned J.M.F.C.(O), Bhubaneswar and the opposite party has already appeared in the above two proceedings in Bhubaneswar. He further submits that although C.P. No. 226 of 2021 has been filed before the learned Judge, Family Court, Khurda under Section 28 of the Special Marriage Act, 1955, she

is yet to receive notice in the said case, but states that the opposite party has threatened her with dire consequences, for which she is apprehensive to attend the case at Khurda.

5. Admittedly, the petitioner is yet to receive notice in C.P. No. 226 of 2021 and counsel for the petitioner is oblivious of its current status. Therefore, I feel this application is premature. Hence, I am not inclined to entertain the application at this stage, and accordingly dismiss the TRP(C).

6. However, liberty is granted to the petitioner to approach this Court with better particulars in case of necessity.

7. The TRP(C) is accordingly dismissed.

8. Urgent certified copy of this order be granted as per rules.

(SAVITRI RATHO)
JUDGE

Sukanta